IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION

CHURCH OF SCIENTOLOGY OF CALIFORNIA,

Plaintiff,

vs.

GABRIEL CAZARES,

Defendant.

Case No. 76-86 Civ. T-K

FILED
TAMPA, FLA.
MAR 19 1979
WESLEY R. THIES
CLERK

ORDER

Order granting defendant's motion for summary judgment was entered herein August 15, 1978, notice of appeal from judgment thereon was filed September 13, 1978.

The Court received and considered memoranda on defendant's application for the award of attorney fees, and on October 20, 1978, entered an order which allowed attorney fees to defendant and directed the parties to submit affidavits or other evidence as to the amount thereof, calling attention to the case of Johnson v. Georgia Highway Express, 488 F.2d 714 (5th Cir. 1974).

The parties stipulated for retention of the record on appeal in the District Court for use in preparing appellate briefs and the Court entered an order directing that that be done.

On March 14, 1979, the Court conducted a hearing as to the amount of attorney fees to be allowed. The proceedings were reported and are available for transcription if required.

At hearing the Court considered and made findings with regard to each of the criteria suggested in Johnson, supra. For the reasons given at hearing and as indicated thereat, the Court found and finds that an award of $36,021.75 is fair and reasonable, and should be paid by plaintiff to defendant

for the benefit of counsel for defendant for their services herein.

At hearing counsel for plaintiff indicated their desire to appeal the award of attorney fees and the amount fixed for the same, together with the matter for which notice of appeal has already been filed and moved for supersedeas bond.

Upon consideration, the Court fixed supersedeas bond in the sum of $38,000 to be secured by corporate surety or by the deposit of cash or negotiable securities in form to be approved by the Clerk of the Court, and allowed 10 days for the posting of same.

In the event notice of appeal is filed as to the supplemental action herein, the Clerk of the Court is directed to include any transcript of the proceedings on March 14, 1979 filed herein, together with a copy of this order.

In view of the provisions of this order and of the matters and facts herein set out, the stay in transmittal of record on appeal heretofore ordered is no longer necessary, and the Clerk is directed to forward the complete record as soon as possible.

IT IS SO ORDERED at Tampa, Florida this 19 day of March, 1979.

BEN KRENTZMAN
UNITED STATES DISTRICT JUDGE